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UNCLAS SECTION 01 OF 05 KINSHASA 000120

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SUBJECT: DRC RESPONSE TO REQUEST FOR INFORMATION ON CHILD LABOR AND FORCED LABOR

REF: 09 STATE 131995; 09 KINSHASA 83; 09 KINSHASA 50; 08 KINSHASA 629  
09 KINSHASA 977

11. (U) Summary: In response to ref A, below is Post's submission of information on child labor and forced labor for the Department of Labor's Congressional reporting requirements under the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA) and the Trade and Development Act of 2000 (TDA). End summary.

Tasking 1/TVPRA

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12. (U) In response to the TVPRA action request (Ref A), Post does not have any new information that clearly demonstrates child labor is no longer used in the production of copper, cobalt, coltan, gold, and diamonds. As per Ref C, children under the age of eighteen continue to work as artisanal miners in the southern, central, and eastern Democratic Republic of Congo (DRC). In addition to the goods cited in the DOL's draft list of goods, children are sometimes used in the mining of wolframite (tungsten ore) and cassiterite (tin ore) in the eastern provinces (Ref D).

13. (U) Though GDRC efforts to support its new National Committee to Combat the Worst Forms of Child Labor (NCCL) have increased over the last year, the government lacks the resources and capacity necessary to enforce child labor laws. Many mining companies, including U.S.-based Freeport McMoRan, operate in the DRC with strict protections against child labor and several NGOs are working to address the socio-economic causes of the problem. The vast majority of goods produced using child labor in the DRC exit the country via the informal market, however, and are therefore difficult to track or prevent.

Tasking 2/TDA

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2 A) Prevalence and Sect. Distribution of Exploitive Child Labor  
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14. (U) As noted in Ref A, children in the DRC were involved in exploitive labor in domestic service and street vending. During an October 2009 visit by DRL Foreign Affairs Officer, both the Chief

of Staff at the Ministry of Labor and several NGO representatives confirmed the existence of the worst forms of child labor in DRC's mining sector (ref E). They reported that children continue to work in mines and stone quarries where they are involved in breaking stones and often transport heavy loads for traders. They also confirmed that children work as water sellers, domestic servants, and entertainers in bars and restaurants. UNICEF reported that in mining areas in Katanga province, 8-to-10 year old girls called "canetons" (ducklings in French) are forced into prostitution by "madams" in order to make money. According to the latest UNICEF Multiple Indicator Cluster Survey (MICS) of the DRC, 24 percent of children between the ages of 5 and 14 are involved in domestic service or work for somebody outside their family for four or more hours per day. The same survey indicated that eight percent of working children are not paid a salary and that twelve percent of children work for themselves.

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15. (U) The relatively high financial costs and loss of potential income because of education continue to push children into the informal labor sectors, because parents are unable to simultaneously pay school fees and give up the income their children may earn to help support the family. Due to the GDRC's continued inability to pay teachers' salaries on time, the state has given communities (children and parents) added responsibilities to help pay teachers' salaries. The USG continues to support programs to reduce the educational gap between boys and girls and to increase school attendance (Note: For example, the U.S. Department of Labor has provided a 3 year grant of USD 5.4 million in 2007 to the Solidarity Center and Save the Children UK to combat child labor in the mining sector through educational opportunities. End note). The Ambassador's Girls' Scholarship Program (AGSP) also contributes in addressing the problem of access to education by disadvantaged girls and boys. AGSP provides support in the form of scholarships and mentoring; parent and community awareness program to promote girls' education, and HIV/AIDS awareness activities. In FY 2009, AGSP organized mentor public recognition events and distributed 14,279 scholarships, including 12,612 girls and 1,667 boys.

16. (U) Children continue to be recruited and used by armed groups for a variety of purposes. While the GDRC continued to demobilize child soldiers in 2009 through the UN's disarmament, demobilization, and reintegration (DDR) and DDRRR programs, armed groups continued to recruit children as soldiers and porters throughout 2009. The DDR program, supported in part by USAID, demobilized 5,000 child soldiers in 2008 and another 5,000 in 2009. UNICEF estimates that 3,000 children still need to be demobilized, down from 13,000 two years ago.

## 2B) Laws and Regulations

17. (U) The GDRC has addressed child labor through the labor code, children's law, penal code, civil code and other laws. The GDRC has also ratified both ILO Conventions 138 and 182, and has defined the worst forms of child labor in an August 2008 Minister of Labor decree as: all forms of enslavement, trafficking, forced labor, or forced recruitment or use of children for prostitution, obscene dances, or production of pornographic materials; use or recruitment of children for the production or trafficking of illicit drugs; and any work that may have a negative impact on a child's health, security or dignity. The Deputy Director of the National Committee to Combat the Worst Forms of Child Labor (NCCL), in a December 2 meeting with US Department of Labor officers, explained that included within the definition of "worst forms of child labor" is work that is dangerous, damaging to health and prevents children's access to education. He added that a definition of "hazardous work" is included in the GDRC Labor Code, however, the Labor Code does not list specific examples of "hazardous work."

18. (U) While there are plenty of laws addressing the child labor issue, the GDRC currently lacks the capacity and resources to enforce those laws.

## 2C) Institutions and Mechanisms for Enforcement

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¶9. (U) The DRC's Ministry of Labor is the responsible body for investigating both hazardous child labor and forced child labor cases and employs ten inspectors in the mining region of Katanga

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province (ref C). The Ministry of Labor's Labor Inspector General Francois Kakanjika told Econoff on January 27 that the DRC currently employs 150 labor inspectors nationwide in addition to nine "labor controllers." There is no dedicated child labor inspection service, however, and the GDRC has no capacity or resources to investigate and prosecute child labor violations. In a December 2009 meeting with US Department of Labor Officers, the Deputy Director of the National Committee to Combat the Worst Forms of Child Labor (NCCL) stated that these labor inspectors often have no means of transport to places to perform their investigations, work under poor conditions and have little or no resources to carry out their work. He added that each inspector only files an annual labor inspection report, which does not specifically separate out child labor cases. The Ministry of Labor currently has no system for tracking child labor complaints. The DRC has not yet reached the enforcement stage regarding hazardous and forced labor.

¶10. (U) The NCCL was scheduled to take over responsibility for hearing child labor complaints from the DRC's criminal courts in ¶2009. However, the Ministry of Labor's Chief of Staff Henriette Minchiabo reported that the NCCL was not aware of receiving any child labor complaints from the DRC's criminal courts in 2009. NGOs and the ILO have reportedly been active in pushing prosecutors to bring cases against violators of child labor laws, but the GDRC did not process any official child labor investigations in 2009.

## 2D) Institutional Mechanisms for Effective Enforcement

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### 2D, Section I: Child Trafficking

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¶11. (U) The Ministry of Social Affairs is responsible for overseeing and investigating child trafficking cases. However, the Ministry does not have any specific enforcement program regarding child trafficking cases.

### 2D, Section II: Commercial Sexual Exploitation of Children

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¶12. (U) The Ministry of Gender Family and Children is responsible for overseeing and investigating commercial sexual exploitation of children (CSEC) cases. However, the Ministry does not have any specific enforcement program regarding CSEC cases.

### 2D, Section III: Use of Children in Illicit Activities

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¶13. (U) The Ministry of Justice is responsible for covering and

investigating cases involving the use of children in illicit activities. However, the Ministry does not have any specific enforcement program regarding cases involving the use of children in illicit activities.

## 2E) Government Policies on Child Labor

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¶14. (U) The GDRC has still not developed a national action plan to address exploitive child labor. While the GDRC has created a National Committee to Combat the Worst Forms of Child Labor (NCCL) which is described in the next section below, it has yet to develop a national action plan/strategy to eliminate the worst forms of child labor.

## 2F) Social Programs to Eliminate or Prevent Child Labor

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¶15. (U) The GDRC created the National Committee to Combat the Worst Forms of Child Labor (NCCL) in June 2006 (ref C). The Minister of Labor nominated new members to the NCCL in September 2008 from the GDRC, labor unions, professional organizations, NGOs, and civil society. The Committee's goals are a) to develop and assure the implementation of a national strategy to eliminate the worst forms of child labor; b) capacity building for and coordination of different partner organizations that are involved in combating the worst forms of child labor; and c) the review and implementation of existing child labor laws and recommending new child labor laws. The DRC has also established provincial committees in some provinces.

¶16. (U) The Ministry of Labor, with the support of the International Labor Organization (ILO), organized a workshop in October 2008 to discuss the NCCL and capacity building, but there are no resources for their new initiatives. The NCCL currently has no budget.

¶17. (U) A credible NGO and the Chief of Staff at the Ministry of Labor reported that the NCCL is currently assessing the global state of child labor issues in the DRC, with the assistance of the International Labor Organization (ILO). The ILO has already hired an independent consultant who drafted the assessment report which is being reviewed in Geneva and will be released to the GDRC soon. The DRC's UNICEF office has also launched a "Multiple Indicators Children Survey" which will be used to gauge the child labor program in the DRC.

¶18. (U) The next step in the NCCL program is for the DRC to develop a national strategy to combat the worst forms of child labor and afterwards submit a request for funding from the DRC's national budget. After that, the Ministry of Labor will set up a data collection system for monitoring and tracking child labor cases. The NCCL will subsequently launch a public awareness campaign about its child labor program at the local, provincial and national levels. Finally, the DRC will begin vigorously enforcing child labor laws.

## 2G) CONTINUAL PROGRESS

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¶19. (U) Comment: The GDRC has made significant progress in

reducing the number of child soldiers over the past few years. However, it still faces formidable obstacles in removing or preventing children from engaging in exploitive child labor. GDRC ministries lack the resources and capacity to enforce child labor laws. As in 2008, no child labor investigations were conducted in

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¶2009. Economic factors- specifically, the inability of parents to pay school fees or the need for children to support their families in order to make ends meet continue to be principal reasons for continued child labor in the DRC. Post will continue to engage with the NCCL in their quest to develop a national action plan and work closely with NGOs dedicated to the eradication of child labor. End comment.  
GARVELINK